

# **Exhibit 17**

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ALABAMA PERMANENT COMMITTEE ON REAPPORTIONMENT

AND REDISTRICTING PUBLIC HEARING

HELD ON

THURSDAY, SEPTEMBER 9TH, 2021

BEGINNING AT 11:00 A.M.

LOCATION:

LURLEEN B. WALLACE COMMUNITY COLLEGE

750 GREENVILLE BYPASS

GREENVILLE, ALABAMA 36037

AND

ONLINE VIA MICROSOFT TEAMS MEETING

TRANSCRIBED REMOTELY BY:

KATHLEEN F. CAVAZOS, RPR,

COURT REPORTER

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1           SENATOR MCCLENDON: Let me ask everybody that  
2 came in online virtually today to please mute your  
3 microphones on your devices, laptops, cell phone,  
4 whatever you're using. Mute your microphone and turn  
5 your cameras off, please. That will help us. When those  
6 mics are on, we get an echo.

7           My name is Jim McClendon. I'm a state senator.  
8 My home is in St. Clair County, and I am the Senate chair  
9 of redistricting. To my right is state Representative  
10 Chris Pringle who is now joining. He is the House chair  
11 of redistricting. And on my left is Mr. Dorman Walker,  
12 an attorney that is employed by the Redistricting  
13 Committee. Also with us today is state Senator Bobby  
14 Singleton, who is also a member of the committee.

15           Anybody coming in late, I'll remind you to  
16 please turn off your mic, please turn off your camera and  
17 we'll -- thank you -- and we'll get to you later.

18           Every 10 years, new census data is taken, and  
19 there's two parts to this number. Number one is not only  
20 the numbers of people that we have but where they are,  
21 where they're located. And what happens over a 10-year  
22 period, folks migrate, and there's a pattern here in  
23 Alabama and across the nation. Our population tends to  
24 leave rural areas and move in a direction and closer to  
25 urban areas. So we have target numbers or ideal numbers

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1 of how many representatives, for example, should be in a  
2 district. So we have to redraw the districts to catch up  
3 with the population so we get back to our ideal numbers.

4 Now, this committee will be drawing, we haven't  
5 yet, but will be drawing Congressional maps, Senate maps  
6 and the Alabama House of Representatives maps and state  
7 board of education maps. So our purpose is to get input  
8 from around the state, hear what you have to say, any  
9 suggestions you can make, ideas you can give us. You'll  
10 give those. We have a court reporter that will be taking  
11 down everything, and it will go in the record and be  
12 reviewed by members of the committee.

13 I'll give you an idea of Senate district sizes  
14 based on the new data, the new 2020 census data that we  
15 received. In your area, Senate district 23 lost 24,000  
16 people. The population has gone down. Now, the target  
17 and ideal district size for a Senate district is 143,551,  
18 and we do have latitude of plus or minus five percent.  
19 So we can see that Senate 23 has dropped substantially in  
20 population, and we're going to have to adjust the size of  
21 that district to capture the necessary people to bring it  
22 up to respect the concept of one person, one vote.

23 Senate 25 in your area is up by 6,200. These  
24 are round numbers, about 6,200. And 31 is down by about  
25 2,700. Your house districts in your area, House 69, lost

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1 about 4,500 people. House 90 lost 5,600, and 92 lost  
2 3,200. Again, those are round numbers. So, as you can  
3 see, these districts have had changes in population.  
4 Now, one of the interesting things that can happen is a  
5 district can lose or gain population, and the adjacent  
6 district will be affected even if their population has  
7 stayed about the same because you've got to go somewhere.

8 So with that being said, I'm going to turn this  
9 over to Representative Pringle. Sir, if you'll take  
10 over.

11 REPRESENTATIVE PRINGLE: Thank you, Senator.  
12 Again, my name is Chris Pringle. I'm the state  
13 representative from House district 101, and I'm the House  
14 chairman of the Reapportionment Committee.

15 Today, you will be called on to speak in the  
16 order in which you signed up. Speakers are limited to  
17 three minutes each. When called, please come to the  
18 microphone, state your name clearly and as slowly as  
19 possible and state the community you represent and the  
20 district or districts you wish to speak about. If you  
21 decide you want to speak but did not sign up, we'll ask  
22 at the end of this hearing if anyone who hasn't spoken  
23 would like to. If you are participating remotely, send  
24 us your questions or comments, and we'll read them into  
25 the record.

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1           The hearing is being transcribed by a court  
2 reporter working remotely. If you have anything you'd  
3 like to introduce into the record as an exhibit, bring it  
4 to the microphone when you speak and let the hearing  
5 officer have it. We will then take it, put it into the  
6 permanent record of the committee.

7           Today's hearing is to deal with redistricting.  
8 We're not here to discuss any other matters that might be  
9 pending before the legislature, so please keep your  
10 comments germane to the issue of redistrict.

11           With that, I'd like to turn it over to Dorman  
12 Walker.

13           MR. WALKER: Hello. Welcome to the hearing, and  
14 thank you in particular to Lurleen B. Wallace Community  
15 College of Greenville for hosting the hearing. Thank you  
16 to those of you in the auditorium who have come to the  
17 hearing and those of you who are attending virtually.

18           Before I take testimony -- Before we take  
19 testimony, I'd like to go over some explanations about  
20 the redistricting process that may be helpful. One of  
21 those is the idea of ideal population. Redistricting, as  
22 Senator McClendon indicated, is all about equalizing  
23 populations, and we have some play with that in terms of  
24 the numbers that can be put into a district.

25           The state board of education and legislative

1 districts don't have to be exactly equal, but it all is  
2 driven by what's called the ideal population, and that is  
3 simply the new population of the state, which I'm going  
4 to round off to five million, divided by the number of  
5 districts we have. So if you want to get the ideal  
6 population of the Senate districts, you divide five  
7 million by 35, and you'll get 143,551. You won't  
8 actually because I rounded off the state population, but  
9 that's the ideal population, and that's how it's  
10 calculated. And you can do the same thing with eight  
11 districts for the state board of education, 105 for the  
12 House. So that drives everything about redistricting.

13 A consequence of that is that a lot of people  
14 who have spoken throughout the hearings have talked about  
15 their counties being split or their cities being split,  
16 and a number of you may wish to talk about that, too, and  
17 if you do, good. That's valuable testimony for the  
18 committee to hear, but I want to explain because it might  
19 be helpful to understand that the requirement for  
20 population equality can bump up against the requirement  
21 to protect communities of interest. An example would be  
22 what happens, I think, really, every 10 years to the  
23 cities of Tuscaloosa and Auburn, which is that they are  
24 population centers in the midst of fairly sparsely  
25 populated areas, indeed, particularly in the case of

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1 Tuscaloosa, in the counties to the west and south --  
2 well, to the north of Tuscaloosa, they are all losing  
3 population. And districts in those counties have to be  
4 repopulated back up to the ideal population or within  
5 five percent of the ideal population, and the only place  
6 to get that additional population -- Well, there's two  
7 ways to get it. One is you can expand into our rural  
8 counties, in which case, you wind up having an enormous  
9 district, and that violates the guideline that districts  
10 should be as compact as possible, or you can go into a  
11 municipality like Tuscaloosa or Montgomery or Auburn and  
12 divide it among several other districts. It's not  
13 because of maliciousness, necessarily, that  
14 municipalities and counties for the same reason get  
15 divided. Sometimes that happens because it's necessary  
16 in order to achieve equal population, which, along with  
17 non-discrimination, takes priority over everything.

18           These hearings will conclude on the 16th, and  
19 they are being transcribed by a court reporter. I expect  
20 that fairly soon, the transcriptions of these hearings  
21 will start to appear on the Redistricting Committee  
22 website. To get to that website, you Google Alabama  
23 legislature. One of the drop-down tabs is redistricting.  
24 If you go there, you'll be able to find the transcripts  
25 of all the hearings, and you can read those, if you want

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1 to, and see what attachments they have to them.

2 At the same time, various senators and House  
3 members and state board of education members and  
4 Congressional members or their staff are starting to meet  
5 with the map drawer and have preliminary talks about how  
6 the districts should change. If it's a district that has  
7 lost population, where should it take population from?  
8 If it's an adjoining district that needs to lose  
9 population, what population should be taken from that  
10 district? What do the incumbents prefer? What makes  
11 sense in terms of communities of interest, that sort of  
12 thing? So it can be a fairly complex process that takes  
13 some time to get through.

14 Ultimately, all of that information will be  
15 distilled into a bill that will be introduced by the  
16 committee when we have -- when the governor calls a  
17 special session for redistricting. This has to be done  
18 in a special session because we have elections in 2022,  
19 and we've already had the regular session for 2021.  
20 Nobody knows exactly when the governor will call the  
21 special session for redistricting. It may be in the  
22 latter part of October.

23 Assuming that's the case, sometime before the  
24 session starts, I imagine that a bill proposed by the  
25 committee with new districts will be prefiled, and other

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1 legislators may also want to draw bills or submit  
2 different legislative plans. So there will probably be  
3 for -- at least for the state board of education -- well,  
4 for all four plans, there are going to be alternative  
5 plans submitted, I think, not just one, and the  
6 individual legislators who sponsor those plans control  
7 when those plans are made public. They can make them  
8 public at the time that they introduce them or prefile  
9 them, or they can make them public before then, but  
10 that's not controlled by the committee.

11 Nevertheless, once the special session is  
12 called, there will be committee hearings at which the  
13 various plans will be looked at and discussed, and those  
14 hearings are open to the public, and the legislative  
15 special session will be live streamed so that you can, if  
16 you continue to have an interest in this matter,  
17 participate in that way.

18 Now, also, I think before I draw the -- before  
19 we take testimony, I'd like to give you some information  
20 about how districts are drawn. The legislature can't  
21 just draw districts in just any manner that it wishes.  
22 It's bound by federal and state constitutional and  
23 statutory requirements and by the race-neutral guidelines  
24 that the legislature has adopted for itself.

25 So what are those? The first overarching

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1 requirements are one person, one vote or population  
2 equality must be achieved in the new districts. And in  
3 addition, the new district must be non-discriminatory.  
4 They must comply with, in particular, the equal  
5 protection clause of the federal constitution and section  
6 two of the Voting Rights Act.

7           Beyond that, the legislature is bound by the  
8 race-neutral criteria that it has established, and I'll  
9 go over those in just a second. But no district shall be  
10 drawn in a manner that subordinates race-neutral  
11 districting criteria to considerations of race, color or  
12 membership in a language minority group except that race,  
13 color or membership in a language minority group may  
14 predominate over race-neutral districting criteria to  
15 comply with section two of the Voting Rights Act,  
16 provided there is a strong basis in evidence to support  
17 such a race-based choice. A strong basis in evidence  
18 exists when there is good reason to believe that race  
19 must be used in order to satisfy the Voting Rights Act.

20           When the legislature draws districts, it should  
21 make them reasonably compact, which is a relative term,  
22 for each plan, and all districts should reflect the  
23 democratic will of the people, which is one reason for  
24 these hearings, so that the legislature can receive  
25 testimony from the people about how districts should be

1 drawn.

2 Districts are drawn on the basis of total  
3 population. The census bureau reports many different  
4 types of population. For example, I could ask for  
5 population of all people who have graduate degrees or all  
6 people who have two cars and color TVs in their house,  
7 but what we use for drawing districts is total  
8 population, which is simply everybody who was in the  
9 state and everybody who was in a district on census day.  
10 And that could include, or it does include a lot of  
11 people who can't vote, children, people under 18, people  
12 who have lost the right to vote, people who are residing  
13 in the state but are not citizens of the state or  
14 citizens of the country. Nevertheless, total population  
15 has traditionally been the basis for drawing districts  
16 and that's what the legislature will continue to use.

17 There are times when the legislature looks at a  
18 subset of total population called voting age population,  
19 which is 18 and older. It may at times look, under  
20 certain circumstances, at the white voting age population  
21 and the black voting age population of a district, again,  
22 to ensure compliance with the equal protection clause of  
23 the federal constitution and the Voting Rights Act.

24 The number of state Senate districts, the  
25 legislature has to draw 35 Senate districts and 105 House

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1 districts, although the constitution would allow 106.  
2 All districts are single-member districts. Only one  
3 person is elected from each district. In some parts of  
4 the country, there are multi-member districts, but we  
5 only have single-member districts in Alabama. When the  
6 legislature draws districts, contests between incumbents  
7 should be avoided, and the cores of existing districts  
8 should be preserved.

9           In addition, every district is required to be  
10 contiguous, which means that each point on its border has  
11 to be in contact with another district or one of the  
12 outer borders of the state. Contiguity across water is  
13 allowed. So if your district is divided by a river or a  
14 lake, that doesn't defeat contiguity.

15           Finally, districts should respect communities of  
16 interest, neighborhoods and political subdivisions to the  
17 extent practicable. A community of interest is defined  
18 as an area with recognized similarities of interest,  
19 including, but not limited to, ethnic, racial, economic,  
20 tribal, social, geographical and historical identities.  
21 The term "communities of interest" may, in certain  
22 circumstances, include political subdivisions such as  
23 counties, voting precincts, municipalities, tribal lands  
24 and reservations and school districts. The discernment,  
25 weighing and balancing of the very factors that

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1 contribute to communities of interest is an intensely  
2 political process best carried out by the elected  
3 representatives of the people.

4           In establishing legislative districts, the  
5 Reapportionment Committee and the legislature shall give  
6 due consideration to all these criteria that I have  
7 discussed. However, priority is to be given to the  
8 compelling state interest requiring equality of  
9 population among districts in compliance with the equal  
10 protection clause of the Voting Rights Act of 1965.

11           In addition, these criteria are not listed in  
12 order of precedence, and in each instance where they may  
13 conflict, the legislature shall, at its discretion,  
14 determine which takes priority.

15           We're ready now to receive testimony, and the  
16 first person who has signed up to speak is Brock Kelly.  
17 And, Mr. Kelly, if you could come up to the podium,  
18 please.

19           By the way, if any of the speakers have paper  
20 notes or they have a map or anything like that that they  
21 want to introduce into the record as an exhibit to their  
22 testimony, just let the coordinator there at Lurleen B.  
23 Wallace State know, and that will be forwarded to us and  
24 included in the transcript.

25           Welcome, Mr. Kelly.

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1                   MR. KELLY: Thank you. My name is Brock Kelly.  
2 I'm the president of Lurleen B. Wallace Community College  
3 and, first and foremost, I wanted to welcome you guys to  
4 the campus, welcome to the audience, welcome everyone  
5 online. This meeting me know is important for our  
6 district. It's important for our state, and we are just  
7 honored to be able to host this meeting. Thank you.

8                   MR. WALKER: Thank you. Thank you again for  
9 hosting the meeting.

10                  The next person is Christopher -- and I'm sorry,  
11 Christopher. I can't quite read your last name.

12                  MR. BENNETT: Bennett.

13                  MR. WALKER: I'm sorry. Christopher Bennett.  
14 Mr. Bennett, please come up.

15                  MR. BENNETT: My name is Christopher Bennett,  
16 and I'm the chairman of the Walker County Democratic  
17 Committee, and I don't know whether this is a testimony  
18 or not, but I do have a question. I know we're dealing  
19 with the Senate and the House plan for redistricting. My  
20 question is -- I have a question: Would any information  
21 be given for redistricting in the Butler County  
22 Commissioner and board of education districts? And my  
23 second question is, where can we find this information or  
24 where can this information be obtained?

25                  MR. WALKER: The Butler County -- and I'm

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1 thinking you were referring to Butler County Board of  
2 Education districts -- will be handled by the Butler  
3 County Commission and the Butler County School Board. In  
4 some counties, those districts are congruent, and the  
5 same districts serve both bodies. In other counties,  
6 regardless of whether or not they have the same number of  
7 districts, they're done differently, and I don't know how  
8 Butler County does it, but that's a matter that will be  
9 handled by them.

10 By state law, county boards of educations are  
11 required to redistrict within six months after release of  
12 the redistricting data. So that would be six months from  
13 August 12 would be the deadline for the Butler County  
14 Board of Education to complete its redistricting. So you  
15 would have to go to the websites for those two bodies to  
16 find out what their redistricting procedures are going to  
17 be and when they're going to have hearings and that sort  
18 of thing.

19 Did I answer your first question?

20 MR. BENNETT: Pretty much, yes.

21 MR. WALKER: And what, again, was your second  
22 question?

23 MR. BENNETT: My second question is where can  
24 this information be obtained here in the county?

25 MR. WALKER: The county commission and the state

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1 board of education, but you can also go to the census  
2 bureau, and you can see -- you can get a lot of  
3 information that is available online now about your  
4 county, about the population of any municipality with  
5 5,000 or more people within your county, and that may be  
6 useful to you, too. Just go to Quick Facts or google  
7 Census Bureau Quick Facts and go to the tab Alabama and  
8 then Butler County, and you can start from there.  
9 There's a huge amount of information available at the  
10 county level.

11 But in terms of particular -- what the districts  
12 are now and what the populations of those districts are,  
13 that information would come from the county commission  
14 and the board of education.

15 MR. BENNETT: So you're saying that none of this  
16 information has been sent to anyone in the county as it  
17 relates to the commissioner districts?

18 MR. WALKER: This is a hearing on legislature  
19 redistricting.

20 MR. BENNETT: Yeah. I know it.

21 MR. WALKER: Okay. And I'm not sure if I  
22 understand the question. The census bureau data is  
23 available to the county commission and to the board of  
24 education. Also, once the legislature completes its  
25 redistricting, the reapportionment office is available to

1 assist the boards of education and county commission and  
2 other local governments with their redistricting. In  
3 addition, a number of other sources, such as Alabama  
4 State University and some of the regional development  
5 offices have redistricting software that can help with  
6 redistricting, too.

7 MR. BENNETT: Thank you.

8 MR. WALKER: Yes, sir.

9 The next person who has asked to speak is Mr., I  
10 think, McWilliams. I can't quite read your first name,  
11 and I apologize.

12 MR. MCWILLIAMS: It's Jackie. Good morning.

13 MR. WALKER: Good morning, Mr. McWilliams.

14 MR. MCWILLIAMS: Just call me Jackie. Okay?  
15 I'm on the county commission of district two, and excuse  
16 my attire, but I own a barbecue place on I-65 and didn't  
17 really feel like putting a suit on for y'all. But if  
18 you're ever looking for good barbecue --

19 MR. WALKER: Wait a second. Court reporter, can  
20 you hear what he's saying? You might need to move a  
21 little closer to the microphone, sir.

22 MR. MCWILLIAMS: Okay. First of all, thank you  
23 for coming here today and giving us the opportunity to  
24 talk about these lines.

25 Certainly, we weren't aware that it was not

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1 something that dealt with county commission lines or  
2 board of education lines, so we won't trouble you any  
3 further except to say that we have not received those  
4 numbers yet from the county or what they actually are and  
5 will go through the process of finding that out.

6           But in looking at the Congressional lines and  
7 also looking at the state board of education lines from  
8 the map and realizing I've only had a few minutes to look  
9 at this since I've been here, certainly we're down in  
10 population, and we're down in population with the  
11 districts that we join, which would be seven in the  
12 Congressional district and then five in the state board  
13 of education. So we're losing population in these areas.

14           I guess what I would take with me this morning  
15 is that certainly we see those numbers went down, but we  
16 don't want -- and you clarified some of it in some of  
17 your topics about keeping numbers as relates to race  
18 where it will be beneficial to both races. We don't want  
19 a race where one district is so predominant that either  
20 section doesn't have a little bit of voice in this. All  
21 our sections here in Butler County, people are divided  
22 because of the demographics that we have in Butler  
23 County. We're pretty much 52, 53.7, so we want to keep a  
24 voting perspective to that. So I'd like to put that in  
25 our place in Butler County.

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1           We know you have a tough task in front of you  
2 trying to do this. I've been on the county commission 22  
3 years, so this is the third time that I have been  
4 involved in this. I realize it's very tedious, and  
5 you're dealing with a lot of emotional factors from a lot  
6 of different people, but we wanted to put that two cents  
7 worth in and let you know that we just want to make sure  
8 that we have good, fair representation on not only local  
9 levels but also on state levels.

10           Thank you so much.

11           MR. WALKER: Thank you very much,  
12 Mr. McWilliams.

13           Is there anyone else present in the auditorium  
14 who would like to speak? If so, just come on up to --  
15 Yes, sir. Come on up to the podium -- rostrum.

16           (Inaudible.)

17           MR. WALKER: I'm sorry. Would you state your  
18 name clearly and slowly for the court reporter?

19           MR. WEST: George (phonetic) West, city council  
20 (inaudible)

21           MR. WALKER: Spell your last name, please.

22           (Inaudible.)

23           MR. WALKER: I'm sorry. We couldn't quite make  
24 that out.

25           (Inaudible.)

1                   MR. Walker: W-E-S-T? Joe West?

2                   MR. WEST: Joe West (inaudible.) Either one is  
3 fine. Thank you for holding this seminar. I guess my  
4 question is, as the Alabama legislature is getting ready  
5 to draw the lines and determine what the new  
6 Congressional lines will be and the state Senate lines  
7 will be and the state board of education lines will be, I  
8 think we're in a district now that lost population. For  
9 instance, the first I'm looking at, we're minus 3.382,  
10 and I guess my question to you is maybe a dumb question,  
11 that if you lose population, does that mean that you're  
12 maybe put in another district, or if you lose population,  
13 will a district who gained come over into your district?

14                  MR. WALKER: No, it's a very good question, and  
15 I'm not sure if you were talking about the Congressional  
16 district or one of your legislative districts, but the  
17 principle is the same for all. We start with the ideal  
18 population, whatever that is. Let's say -- Let's just  
19 say 47,820 for a house district, and if a district has  
20 lost population, then, yes, it's got to get some  
21 population from somewhere else. So that means,  
22 typically, that that district's boundaries are going to  
23 expand into another area to pick up more citizens.  
24 Conversely, if a district is overpopulated, it has to  
25 shed population, and so it will contract in order to give

1 population to districts that need it. And that's sort of  
2 the phenomenon I was talking about when earlier I  
3 referred to, by example, the city of Tuscaloosa being  
4 split up into a number of different districts so that it  
5 can give its excess population to districts that need it.

6 So that was a good question. Anyone else in the  
7 auditorium who would like to speak?

8 MR. WEST: Thank you very much. That answered  
9 my question.

10 MR. WALKER: Thank you, Mr. West.

11 Is there anyone participating remotely who --

12 MS. OVERTON: I've been told Jackie Woods, who  
13 is at the college, would like to speak. Jackie.

14 MR. WALKER: Is this Jackie Woods?

15 MR. WOODS: Yes, I'm Dr. Woods and, first, I  
16 would like to thank each of you for just giving us this  
17 great opportunity to learn.

18 I have a question. I'm just going to give it  
19 and look at -- Our community is -- Let's just look at an  
20 example. If you have a population, let's say, 37,540,  
21 whatever, I'm going to talk approximately, and that's  
22 total population for a county, then you look at minority  
23 representatives, minorities in that particular population  
24 would be, let's say, 13 percent, so within a proximity of  
25 about 4,880, somewhere within that area. Don't hold me

1 to that. So if you're looking at -- And you mentioned  
2 the fact in terms of race, 1965 voters. And in looking  
3 at how the districting itself, primarily, you have 13  
4 particular counties in that area that the example is  
5 coming from, and it's scattered.

6 So my question to you -- When I say "scattered,"  
7 all over in terms of that 4,000 number that I have  
8 mentioned. So if you want to get what's fair for all,  
9 some type of representation for the minorities, that  
10 4,000 group, what would be the best method for fair  
11 representation for all?

12 And I'll say this: Over right at 200 years,  
13 there has never been a minority on that particular set  
14 that I'm speaking of, without saying too much. So how  
15 would you go about doing that? And you could look at  
16 packing, you could pack it, but you would have to look at  
17 how you would go about redistricting that particular  
18 section taken from a scattered and then look at the  
19 minority representation where it does not have any type  
20 of impact; whereas, they would get some type, some  
21 type -- and I'm coming with this -- over 200 years there  
22 has never been a minority in that particular section.

23 MR. WALKER: I'm not quite sure that I  
24 understand your question, but I'll make a stab at it, and  
25 you can tell me if I've been helpful.

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1           The Voting Rights Act, section two, requires the  
2 drawing of a majority minority district -- and I'll just  
3 say a minority black district is what it's going to be in  
4 Alabama -- if it's possible to do so. And one of the  
5 first determinants of that is whether there is a  
6 sufficiently numerous and geographically compact black  
7 population. And without knowing what jurisdiction you're  
8 talking about and how many districts there are under  
9 consideration, I couldn't go --

10           MR. WOODS: Five districts, five.

11           MR. WALKER: If there are five districts, then  
12 you would -- In order to -- I guess, the first thing you  
13 would look for is, is there a minority population here  
14 that is sufficiently numerous to form a majority in one  
15 of five districts or two of five districts, depending  
16 upon whatever it is, and then is that population in a  
17 relatively compact area so that it can be drawn into one  
18 or two or whatever districts, or is it spread out  
19 homogeneously throughout the county as a whole? If it's  
20 the latter, then you can't draw a majority black  
21 district. So that would be the first thing that you  
22 would look at.

23           There are some other ways to skin the cat.  
24 There are a few jurisdictions in Alabama that don't have  
25 single-member districts. They use alternative -- They

1 have black and white population, but they don't have  
2 single-member districts. They use an alternative voting  
3 system called cumulative voting, and that is a way where,  
4 if there is a sufficient number of minority population,  
5 everybody runs at large, but the voting system is such  
6 that if the minority population -- For example, if there  
7 are five seats on the county commission, each person gets  
8 five votes and you can spend those votes any way you  
9 want. If the minority population spends all of its votes  
10 on a preferred minority candidate under the cumulative  
11 voting system, then they can elect someone at large. And  
12 that system is used in some counties and is particularly  
13 helpful where there are not geographically compact  
14 populations of minority members but there are  
15 sufficiently large numbers of minority members in that  
16 jurisdiction.

17 Is that a helpful answer to you?

18 MR. WOODS: It is. So how does one go about  
19 implementing or asking for the cumulative vote? How do  
20 they go down that path?

21 MR. WALKER: That would have to be done by a  
22 local law by your delegation. They could pass a local  
23 law that would say in X, Y, Z county elections for the  
24 county commission or whatever would be done by cumulative  
25 voting.

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1 MR. WOODS: Okay. I thank you.

2 MR. WALKER: Yes, sir. Thank you for your  
3 questions and comments.

4 MR. WOODS: Have a great remaining afternoon.  
5 Thank you.

6 MR. WALKER: Thank you.

7 Anyone who wants to make a question or comment  
8 remotely?

9 MS. OVERTON: Yes. We've got a couple of  
10 comments and questions.

11 MS. PATTON: Hello. My name is Sylvia, and I  
12 just have a couple of questions that I would like to ask.  
13 Number one is --

14 MR. WALKER: Last name?

15 MS. PATTON: Patton.

16 MR. WALKER: Patton? Okay. Thank you. And if  
17 you can speak closer into the microphone, we're having a  
18 little bit of difficulty hearing y'all.

19 MS. PATTON: Okay. One of the questions that I  
20 have, and I want you to hear me, is you were saying that  
21 after the census, that we have six months before  
22 redistricting is done, and by August the 12th we  
23 should -- No. I want to ask questions kind of like  
24 locally for the county. So you have six months before  
25 you do the state districts, but like the county, how long

1 will they have before they do the county redistricting,  
2 is one of the questions I wanted to know.

3                   And the second question is getting back to what  
4 Dr. Woods was saying, who determines on the county -- who  
5 determines about redistricting the counties? And let me  
6 give you an example. I'm a city councilwoman for the  
7 city of (inaudible) Alabama, and district one is  
8 predominantly black, and district one is the district  
9 that I won in. And another place in (inaudible) county  
10 may be predominantly black in district one (inaudible)  
11 was scattered. And how could we -- When can we and how  
12 can we go to the county commission and decide  
13 redistricting by the use of numbers, because we have the  
14 numbers of the blacks that are in the county, but when we  
15 go to the county side, it's scattered. How can we  
16 correct that? Who do we need to talk to in order to  
17 change that?

18                   And then the third question is, when you get  
19 ready to vote on county commission, why can't -- Is there  
20 two elections where, okay, you have one election where  
21 you vote for the person that wins it. And then later on  
22 you come in, and is it legal for everyone to vote for  
23 that district? Because in Florala, when I run in  
24 district one, that's who I'm competing against, somebody  
25 in district one. Everybody in district two, three, four

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1 and five cannot vote for me because they're not in my  
2 district. So where is that -- How can you -- If they're  
3 not in district one, they're not supposed to be voting  
4 for you and not somebody from district two, three, four,  
5 five. That's how votes get scattered.

6 MR. WALKER: Your questions are a little bit  
7 outside the scope of the hearing, which is about  
8 redistricting for the state offices. I just don't  
9 remember off the top of my head if there is a timeline  
10 for county commissions to redistrict. There is, of  
11 course, a practical timeline in that redistricting has to  
12 be completed before elections in 2022 or whenever the  
13 next elections are for your county commission.

14 For the rest of your questions, I think you need  
15 to take those up with your county commission attorney who  
16 should be able to answer those.

17 MS. PATTON: All right. Thank you.

18 MR. WALKER: Thank you, ma'am.

19 I'm going to see if we've got any questions from  
20 people who are participating remotely now.

21 MS. OVERTON: Yes. We've got three. The first  
22 is from Tabitha Isner. She just wanted some  
23 clarification.

24 "Did you say that compactness would be  
25 prioritized over communities of interest?"

1                   MR. WALKER: No, I did not say that compactness  
2 was prioritized over communities of interest. I think  
3 what I said is that sometimes those two criteria can  
4 conflict, and the legislature has to make a choice.

5                   MS. OVERTON: Okay. The second question comes  
6 from Felecia Scalzetti.

7                   "Please repeat the timeline regarding draft  
8 maps. Does the committee already have maps drafted that  
9 they are adjusting after hearing comments, or will they  
10 wait until the end of the public comments on the 16th to  
11 start drafting?"

12                  MR. WALKER: There are no existing maps at this  
13 point that I know of. I know that -- I mean, there may  
14 be various legislators who are working on maps either not  
15 on the reapportionment system or they're working on the  
16 reapportionment system but they're confidential until  
17 they're released by the legislature. So if somebody were  
18 coming in here and working on something, I would not know  
19 it unless it was made public.

20                  There is -- There are, however, conversations  
21 ongoing with a map drawer and the members of the  
22 legislature and the state board of education and the  
23 Congressional delegation about how they want their maps  
24 redrawn, and that's where we are right now as we're  
25 receiving these comments.

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1           But the transcripts of these hearing will be  
2 made available to the map drawers and to the legislators.

3           MS. OVERTON: We have a final comment from  
4 Kendra Majors.

5           "In the earlier hearing, you vaguely touched on  
6 the fact that redistricting in Alabama is not really  
7 non-partisan. How does that work to guarantee fair  
8 districts and fair representation for all Alabamians  
9 given that one party overwhelmingly controls the Alabama  
10 legislature currently?"

11          MR. WALKER: I'm not going to answer that  
12 question. Fairness is in the eyes of the beholder, and I  
13 think that's where I'll leave it.

14          MS. OVERTON: No other questions or comments.

15          MR. WALKER: Is there anybody else in the  
16 auditorium who wants to speak?

17          All right. There being no one else who wants to  
18 speak, thank you to everyone for participating either  
19 remotely or by coming to the auditorium. Your  
20 participation is important to the process.

21          Thank you for Lurleen B. Wallace Community  
22 College for allowing us to have the hearing at your  
23 facility, and this hearing is now closed.

24          (Exhibit 1 marked.)

25          \*\*\*\*\*

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1 C E R T I F I C A T E  
2

3 STATE OF ALABAMA )  
4 COUNTY OF MOBILE )  
5

6 I hereby certify that the above and foregoing  
7 deposition was taken down by me in stenotype and  
8 transcribed by means of computer-aided transcription, and  
9 that the foregoing is a true and correct transcript of  
10 the testimony given by said witness upon said hearing.

11 I further certify that I am neither of counsel  
12 nor of kin to any of the parties, nor am I in anywise  
13 interested in the result of said cause.

14 I further certify that I am duly licensed by the  
15 Alabama Board of Court Reporting as a Certified Court  
16 Reporter as evidenced by the ACCR number following my  
17 name found below.

18  
19  
20 

21 KATHLEEN F. CAVAZOS, RPR, ACCR302

22 NOTARY PUBLIC

23 MY COMMISSION EXPIRES: 12/16/23

[1 - board]

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[counties - exhibit]

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